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ENVIRONMENTAL MEDIATION:
AN ASSESSMENT AND CASE STUDY
OF THE LOGAN CANYON HIGHWAY CONTROVERSY

by

JARED GLENN PARKINSON

Thesis submitted in partial fulfillment
of the requirements for the degree

of

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ENVIRONMENTAL MEDIATION: AN ASSESSMENT AND CASE STUDY OF THE LOGAN CANYON CONTROVERSY

For a little more than twenty years, alternative methods of dispute management have been employed to address various environmental conflicts in order to avoid the more traditional method of litigation. Mediation is a voluntary process which involves face-to-face negotiation among parties and the use of a neutral third-party negotiator. Environmental mediation has helped manage disputes related to land use, natural resource management, use of public lands, water resources, energy development, air quality and toxins (Bingham 1986).

Purpose and Goals

The purpose of my project was to gain a better understanding of the factors that affect the use and outcome of environmental mediation. This research had two practical objectives: the completion of my honors thesis in environmental studies; and, evaluation of environmental mediation as an alternative means to settle differences involved in the Logan Canyon highway controversy.

My personal interest in this topic comes from my training and experience as a mediator and my career goal of working for an environmental law firm in the area of mediation. I have received training in mediation from the Utah Better Business Bureau and am currently a volunteer mediator for the Better Business Bureau. I view environmental mediation as a way to integrate my interests in the environment with my training in mediation.

Overview of Mediation

The use of mediation has continued to increase since the early 1970s. It has been used most widely to manage employee-employer disputes and divorce settlements. Especially in these areas, mediation is often chosen as an alternative to more formal dispute management techniques like litigation and arbitration. However, there are some disadvantages with mediation, making the consideration of whether to use mediation a difficult choice.

Advantages of mediation are:

- Mediation allows interested parties to have a role in the decision-making process (Fisher and Ury 1991)
- The process is flexible and can be structured to meet the needs of each new dispute (Bingham 1986)
- Mediation focuses negotiations toward the particular issue at hand (Bingham 1986).
- Mediation encourages interest-based negotiation between parties (Harty 1996).
- Mediation opens communication between parties (De Morgan 1996).
- Mediation can maintain a good relationship between parties for future collaboration (De Morgan 1996).

Disadvantages of mediation are:

- Mediation can require a lot of time to be implemented properly.
- Mediation must be implemented early in a dispute to be most effective (Bingham 1986).
- Mediation must be funded in a way that allows the mediator to stay neutral (De Morgan 1996).
- Mediation can be difficult to implement with preexisting policy which regulates decision making (Blahna 1996).
- It is hard to find criteria to evaluate the effectiveness of mediators (Harty 1996).
- Mediation cannot solve disputes which involve deep-rooted values (Blahna 1996).

Misconceptions about mediation:

- Mediation costs less than litigation (Burgess 1996).
- Mediation takes less time than litigation.
- Mediation eliminates preexisting power imbalances.
- Mediation always produces rational, wise solutions (Crowfoot and Wondolleck 1990).

- Mediation identifies all interests in a dispute.
- Mediation makes all the parties see the dispute from the same perspective (Blahna 1996).

Resource agencies have been increasingly pressured to involve the public in decision-making (Crowfoot and Wondolleck 1990; Hendee 1984). For this reason, it is essential that public managers of natural resources learn how to involve the public in an effective manner. Managers of public natural resources are often mandated by environmental regulation to involve the public and better public relations are needed to fully meet the needs of constituents (Blahna 1996). Environmental mediation has been used as a means to further involve the public in making decisions concerning public resources and the environment.

Mediation of environmental disputes is similar in many ways to mediation in general. It involves a neutral third party to facilitate discussion between parties who meet face-to-face. Also, the advantages, disadvantages, and misconceptions mentioned earlier apply to environmental mediation as well as to mediation in general. However, environmental mediation is different from other forms of mediation in several significant ways. Some of these differences are:

- Environmental mediation usually involves many more interests than labor or divorce disputes. It is common to have ten or more parties involved in an environmental dispute. When applying mediation with a larger number of groups, the use of workshops and similar interest caucuses is often needed to manage the negotiation.
- Parties interested in an environmental dispute may evolve and change as the dispute develops. The interests initially involved in an environmental dispute are seldom the same as the interests involved toward the end of the dispute. As a controversial issue becomes additional public, additional parties may coalesce and want to be included in mediation that is already underway. A changing number and type of parties is more of a rule rather than an exception in environmental disputes.

- Environmental mediation often deals with property that is owned by the general public, fostering a sense of ownership among each party. Each party feels that the resource is theirs and should be managed to meet their needs.
- Data, facts, and speculation concerning the impacts of an environmental action are often contested. There is seldom an "authority" that can be used to verify the effects of an action. Often constituent groups, the general public, and scientists will dispute over the most fundamental effects of an action. Often the responsibility to validate effects defaults to the government agency having administrative authority over the action (Bingham 1986).
- Many of the decisions made through environmental mediation could have long lasting and often irreversible impacts on the environment. This makes projections on future impacts an issue likely to be hotly debated by parties during negotiation.
- When mediating environmental disputes, the solutions and the process must often work within an existing policy framework which mandates that the final decision be made by one agency and dictates that a particular procedure be followed. This makes it difficult for agencies to relinquish their role as the ultimate decision maker and buy in to the procedure of mediation (Blahna 1996).
- Environmental mediation often deals with fundamental values and polarized conflicts like development vs. non-development and the environment vs. the economy.

Some people have suggested that the agency mandated by law to be the decision maker should act as the facilitator in collaborative efforts without the use of mediators. This option would certainly be preferable if viable. However, contentions over environmental disputes are often so heated that other parties may have developed a mistrust

for the assigned decision maker. Also, the decision maker may find it difficult to remain neutral and open to suggestions because of their own interest in the outcome.

Current environmental policy under the National Environmental Protection Act (NEPA) requires the lead agency to use public hearings in an effort to increase public input and involvement. However, public hearings are more often used to inform the public and fulfill procedural requirements of NEPA, instead of allowing the public to become actively involved in the decision-making process (Blahna and Yonts-Shepard 1990; Heberlein 1976).

Professional mediators have experience in convening interested parties, facilitating discussions, organizing meetings, defining codes of conduct, and probing the full array of interests. The use of professional mediators has developed and increased in popularity in order to bridge the gap between managers who are not trained to deal with the public and a society that demands recognition in the decision-making process.

Mediation Process

Many of the terms used by mediators may seem vague to those not involved in the field. As mentioned earlier, *mediation* is the use of a neutral third-party to facilitate discussions among parties. During the mediation process, negotiation or open discussion is used among the parties. The negotiation is voluntary and usually done face-to-face with the mediator facilitating the discussions.

Crowfoot and Wondolleck (1990) differentiate between conflict and dispute. They define *dispute* as a specific conflict episode that is part of a continual and larger societal conflict. For example, you may have a difference of opinion with your neighbor over the proper way to landscape your yard. This difference is a conflict until you approach your neighbor with your opinion, then it becomes a dispute.

An understanding of mediation also requires an understanding of the difference between interest and position. A party's *interest* is their desires, both needs and wants. A *position* (or stand) is a want that is often exaggerated to gain advantage during negotiation. Mediators work to identify the interests of each party and encourage negotiation of interests instead of positions (Fisher and Ury 1990).

Heidi Burgess, director of the Conflict Research Consortium at the University of Colorado, says that mediation is often performed in three stages. The first stage, *case assessment*, is when intervenors assess whether the case is likely to be mediated for an acceptable outcome. Second, *negotiation* is when parties meet face to face to discuss possible solutions; and third, *implementation* covers the time after a decision has been made by the parties and is then implemented.

Assessment Stage

Assessment includes a series of interviews with the involved parties. Through these interviews, the mediator hopes to clarify the dispute and identify parties who have an interest in the issue. In order to avoid heightened conflict later in the process, it is essential that all the current interested parties are either represented in the dispute resolution process or given an opportunity to participate.

At the beginning of the assessment stage, the mediator tries to consider whether parties have an incentive to reach an agreement and whether mediation is the appropriate method to use in resolving the dispute. These factors are perhaps the hardest elements to determine without actually bringing the parties involved to the table. Interviews are done in hopes of seeing that the interests are not mutually exclusive and that solutions exist which are win-win (Crowfoot and Wondolleck 1990). Disputes often are very complex, therefore a comprehensive list or understanding of all the factors that effect the likelihood of finding successful solutions is unattainable. Each situation and each party involved reacts differently (De Morgan 1996, Bingham 1986).

Parties must also agree on the procedure to be used to resolve the dispute and on certain ground rules to be followed during the mediation process. Some of these rules may include deadlines and timetables, funding of the mediation process, codes of conduct that promote joint problem solving, how to deal with the media, the role of party representatives, how to deal with parties that surface "late" in the process, what sort of agreement will bind the group's decisions, and how representatives will keep their constituents current on the discussions (De Morgan 1996). Mediators also watch for ulterior motives that may exist (i.e. parties may want to use mediation as a "stall" tactic) (Maser 1996). The mediator tries to determine the complexities of a dispute by

considering the history of the issue involved, different power positions, and the current lack of trust that may exist among parties.

Another question that needs to be addressed during the assessment stage is whether parties can agree on the scope of the issue to negotiate. What exactly is being negotiated? By identifying the particular issue to negotiate, the mediator will be able to keep the negotiations manageable. Environmental issues are often interrelated with other issues. For this reason it is essential to narrow the discussions to the most relevant issue in the situation while keeping the scope big enough to allow negotiations to occur. In order to find good solutions, all parties involved must have a clear understanding of the issue (Carpenter and Kennedy 1989).

The assessment stage is also a crucial time to try to establish a common set of facts that can be used by all the parties during negotiation. This may be accomplished by hiring a neutral research group to determine effects of an action. It is essential that the group agrees to most of the identifiable facts in order to avoid getting bogged down in dispute over factual questions. However, all effects cannot be determined because of limiting factors such as technology, time, politics, and budget.

When the mediator begins to assess the situation, each party involved must determine if it is within its best interest to negotiate a solution using mediation (Fisher and Ury 1991, Harty 1996). The acronym BATNA stands for "best alternative to a negotiated agreement". The BATNA is the best outcome a party can hope for without participating in negotiation. If a party's BATNA satisfies its interest, it will not engage in negotiation because of the complexity of the process and the uncertainty of its outcome (Susskind and Cruikshank 1987, Fisher and Ury 1991).

Assessment interviews, conducted on a one-to-one basis, are an important time to relay information. Mediators may educate parties about the mediation process to clarify expectations and ensure that parties are not misrepresented. The parties educate the mediator on what issues will be faced during mediation (De Morgan 1996). By sharing information, the mediator is able to customize the mediation process to fit the needs of the parties as well as the specifics of the situation.

Negotiation Stage

During the negotiation phase of mediation, mediators act as referees, with the parties being the players, discussing face-to-face the issues at hand. Parties are encouraged to understand the interests of other parties and then to work to find alternatives that can meet the needs of all interests. When parties are able to communicate openly about their needs, other parties are educated about different perspectives involved (Kolb 1994). This increased understanding can break down barriers to creating wise alternatives that allow mutual gain (Susskind and Cruikshank 1987, Fisher and Ury 1991).

"Interest based negotiation" is the current buzz-word among mediation professionals. Inspired by Fisher and Ury, in their book *Getting to Yes*, interest based negotiation is moving away from positional or non-confrontational negotiations to a 'medium' where parties discuss their interests. Parties who enter negotiations with a "kill to win" attitude are normally practicing positional negotiation. These parties will try almost anything to sway the outcome to their benefit, often sacrificing friendly relationships, trust, and the ability to understand the other parties' interests. Other parties may enter the negotiation with the idea that preservation of the relationship is more important than the outcome of the negotiations. These parties will give-in on interests in order to maintain the peace. When using soft negotiation with a hard negotiator, the soft negotiator will get "used" and could be forced to sacrifice his/her own interests. The use of either hard or soft negotiation is not conducive to making "wise" decisions that takes all perspectives into account.

Throughout the mediation, other interested parties may desire to enter the process in order to have a role in decision making. Such parties may not have been organized at the time the mediation process began. Depending on the entering party's motives and the mediating group's decisions, a "late" party may be of no serious harm or it may cause the whole mediation process to fall apart. The ability of new parties to circumvent the mediation process is a concern for mediators (De Morgan 1996).

Fischer and Ury (1991) define a "wise" decision as being one which "meets the legitimate interests of each party to the extent possible, resolves conflicting interests fairly, is durable, and takes community interests into account." Susskind and Cruikshank (1987)

mention in their book, *Breaking the Impasse*, that a good outcome must have fairness, efficiency, wisdom, and stability. The use of interest-based negotiation also enables the interested parties to communicate openly, increasing the amount of understanding between the parties and possibly establishing a better relationship between the lead agency and interested parties.

The role of the mediator is to keep communication open and focused. By limiting verbal attacks and facilitating communication, the mediator plays a role in identifying interests and getting parties to begin looking for solutions that meet everyone's needs (Burgess 1996, Carpenter and Kennedy 1989). Solutions of this sort are more likely to stay out of court and last longer after implementation (De Morgan 1996). This sort of win-win collaboration is the goal of mediation.

Implementation Stage

During the third phase, implementation, the mediator mainly plays the role of a bystander. The parties at the table must then rely on the trust built during the mediation process and the mutual benefit found in the solution, to insure that the issue will be implemented in the way the parties have outlined. Implementation is less controversial after a successful mediation because projects implemented with the contribution and support of interested parties are more likely to stay out of court and carry the support of the public (Carpenter and Kennedy 1989). Some mediation processes have included follow-up meetings to determine the effectiveness of the implementation.

After progressing through the three phases just discussed, negotiation aims for wise decisions, decisions accepted by all interested parties. The use of mediation as a way to include the public in the decision-making process is an important part of finding solutions to controversial issues which meet the needs of the public and get closer to defining their desires.

History of Logan Canyon Highway Controversy

As a local resident of Cache County, Utah, I have heard about and been very interested in the controversy over construction on Logan Canyon Highway. The tension surrounding the proposed construction has been divisive. Initially I was interested in the use of mediation as a way to resolve many of the disputes centered around the proposed construction. A brief discussion of the history of this controversy is needed in order to understand the interests involved and the dynamics of this issue.

Logan Canyon Highway (U.S. 89) connects the City of Logan to Garden City by winding thirty-nine miles through a part of Cache National Forest. This highway has become a valuable link between the two cities and the National Forest. It has been designated as a National Scenic-By-Way for tourists traveling from Salt Lake City to Yellowstone National Park.

In 1959, the Utah Department of Transportation (UDOT) finished plans to 'improve' the first section of the highway to better meet engineering and safety standards. Public hearings were poorly attended and local citizens kept silent (Flint and Steinhoff 1995). In 1960 construction was completed from the mouth (Logan side) of the canyon to Malibu Campground. The road was widened, passing lanes were included, and the stream was channelized to better fit the straightened road. Local citizens, angry with the results of alterations in the canyon, responded negatively toward plans to reconstruct the section from Malibu Campground to Right Hand Fork (Flint and Steinhoff 1995). Among those who opposed the reconstruction projects were the Forest Service and Utah State University's College of Natural Resources. UDOT abandoned the project in 1961 (Flint and Steinhoff 1995).

In 1968 UDOT reconstructed the highway from Malibu Campground to Right Hand Fork. Similar to the first construction project, the second portion involved a four-lane highway, straightening, and river channelization. During the public hearing for the third portion (from Right Hand Fork to Ricks Spring), UDOT proposed a wider, straighter highway. *National Parks* magazine condemned further construction and criticized previous work (Flint and Steinhoff 1995).

At the suggestion of USU professors, UDOT formed an Environmental Steering Committee in order to give ecological and aesthetic interests more consideration. Pressure from the Steering Committee and requirements from the Forest Service caused UDOT to abandon plans for further reconstruction until 1976. During this time, UDOT shifted funding and focus to Provo Canyon Highway (Flint and Steinhoff 1995).

UDOT issued a Route Analysis Statement (RAS) of possible plans for reconstruction in 1976. Environmental groups, including the Bridgerland Audubon Society, Citizens for the Protection of Logan Canyon (CPLC), and the Cache Sierra Club, questioned the statistical analysis found in the RAS. In 1979, UDOT began an Environmental Assessment (EA) to determine if an Environmental Impact Statement (EIS) was required, as mandated by the National Environmental Policy Act (NEPA). The Federal Highway Administration informed UDOT that an EIS was required. Unprepared to fund an EIS, UDOT backed away at that time from plans to do further reconstruction (Flint and Steinhoff 1995).

Funding for an EIS was later acquired through UDOT appropriations in 1986 and CH2M Hill was hired to do the analysis. An Interdisciplinary (ID) team began meeting to ensure that all interests were considered. More than 400 local citizens attended scoping meetings and around 200 citizens responded with letters. UDOT dissolved the ID team because they were uncomfortable with public input (Flint and Steinhoff 1995). Interested local citizens submitted the Conservationists' Alternative, which proposed wider bridges, culvert maintenance, a few passing lanes, turn-outs, more signs, and paved parking while maintaining ecological and aesthetic qualities of the canyon.

UDOT formed a Citizen's Advisory Team (CAT) in 1989 but dissolved it after two meetings because of controversy surrounding the issue. The Draft EIS was issued in 1990. UDOT received many more letters from the public in favor of the Conservationists' Alternative than for UDOT's favored alternative, the Preferred Alternative (Flint and Steinhoff 1995). Steve Flint and Bruce Pendery, members of the disbanded CAT team, hired an environmental attorney, Jeff Appeal, who spoke with UDOT about the benefits of the Conservationists' Alternative in 1991. During 1992, several citizens organized rallies in support of the Conservationists' Alternative.

The Final EIS was released in 1993. As a result, hundreds of letters were sent to UDOT and environmental groups condemned UDOT's extensive plans for reconstruction. CPLC formed a new steering committee to advise UDOT about their concerns (Flint and Steinhoff 1995). Meanwhile, a separation occurred in CPLC because of different viewpoints concerning how to work with UDOT after the Record of Decision (ROD) was issued. The Logan Canyon Coalition (LCC) broke from Citizens for the Protection of Logan Canyon (CPLC). LCC wanted to use litigation and administrative appeals to pressure UDOT to consider the Conservationists' Alternative. CPLC wanted to use more negotiation in order to move UDOT toward the Conservationists' Alternative. The Preferred Alternative called for changes which were not included in the Forest Plan which was prepared by the Forest Service as mandated by the Federal Land Policy Management Act (FLPMA). The Forest Service altered their Forest Plan to allow for the Preferred Alternative and denied the administrative appeals made by LCC.

The Record of Decision (ROD) was released in 1995 favoring a "modified" Preferred Alternative. CPLC stated that this alternative was the result of a compromise between UDOT and CPLC. UDOT formed a new CAT team which included a citizen representative, a representative of the environmental community, and representatives of federal and state agencies (Sibbernson 1995). Ted Seeholzer was chosen as Community-at-Large member and Shawn Swaner from CPLC was chosen to represent environmental interests. The government agencies represented include the Forest Service, the Federal Highway Administration, U.S. Fish and Wildlife Service, Utah State Water Quality, Utah State Parks, State Fish and Game, and UDOT (Sibbernson 1995). The CAT team also includes one environmental consultant from BLOWEST.

In March of 1996, UDOT held a project hearing to discuss plans to reconstruct three "dated" bridges in Logan Canyon. The project hearing was attended by a large number of people. There was much controversy over the proposed width of the bridges and the angle of the bridges. LCC is supportive of the "three bridges" project, but has concerns about the extent of the construction (Kolb 1995). UDOT plans to proceed with other projects outlined in the Preferred Alternative as funding is made available. Legal

action is being pursued by LCC who claims UDOT has violated NEPA and the Clean Water Act.

Assessment

The Logan Canyon controversy involves various interests. There are two environmental groups (CPLC and LCC) who differ in which method to use to get UDOT to consider the Conservationists' Alternative, which limits cutting in to mountains, wetland encroachment, and road widening. There are differing interests among the communities involved. Many Garden City residents, on the east side of the canyon, are concerned with efficient, safe access to Logan City for work and emergency services. Some Cache County residents, primarily those represented by the Cache Chamber of Commerce are in favor of the economic advantages resulting from the projects which could make the highway a main route for tourists traveling from Salt Lake City to Yellowstone National Park. Other Cache County residents are concerned with environmental and recreational harm to the canyon and Logan River. Recreationists that use the canyon generally want little traffic and no harm to the river. Recreationists who use Bear Lake, on the east of the canyon, want highway improvements to help pull boats and other recreational equipment. UDOT desires to meet federal and state highway guidelines which allow for safer highways nation-wide. Truckers want a safer highway with wider curves to maneuver their vehicles.

The various interests have surfaced as the tension over each dispute increases. The Logan Canyon controversy can be understood as a series of disputes which have surfaced as a result of a long-term conflict between interests with polarized positions based upon fundamental differences between growth and non-growth, development and non-development, potential economic benefits and environmental quality.

When I began to look at the Logan Canyon Highway issue, I felt that mediation could provide a means to arrive at a solution that would appeal to a wider audience. However, as I have studied this dispute and spoken with the parties involved, I have concluded that mediation would be extremely difficult to implement and would not be as effective in allowing for wise decisions in the Logan Canyon Highway controversy. In the following assessment I will point out why I support these conclusions.

I believe that mediation would be extremely hard to implement in the Logan Canyon Highway dispute and would not be effective once implemented for two reasons. First, it is too late in the decision-making process to have an effective mediation because of a long history of mistrust; and second, the decision maker, UDOT, is not willing to become involved in mediation.

As was emphasized earlier, much of the mediation process is performed early, during the assessment stage. During assessment, the mediators identify the parties and their interests, establish a process that is conducive to the controversy, and work to break down barriers between the parties. The Logan Canyon conflict has been developing since the early 1960s. In the early stages of UDOT's planning they made minimal effort to inform and involve the public because public relations had never really been used in UDOT's projects. The driving force behind each individual project was and still is the availability of funding.

When UDOT returned to the Logan Canyon highway after focusing on the Provo Canyon highway, the public had become even more interested in the canyon than ever before. UDOT tried several approaches to gathering input and informing the public about their intentions. These approaches included information distribution, interdisciplinary teams, and public hearings. However, the ID and CAT teams were under UDOT control and were dissolved when UDOT did not agree with the direction they were going. The lack of public involvement increased mistrust for UDOT.

UDOT's attempt to identify and recognize public concerns were largely ineffective. The 'opinion leaders' which UDOT used in their inter-disciplinary team were singled out because they had been the most out-spoken of the activists. This approach seldom identifies the most effective 'opinion leaders' in the affected communities (Blahna 1996). Also, according to many people, the information UDOT distributed was biased and of poor scientific and statistical quality (Flint and Steinhoff 1995). UDOT only responded to criticisms with vague responses and avoidance. The Interdisciplinary Team formed by UDOT to consider various interests was disbanded when the team began to consider far less development than UDOT was prepared to accept.

The public hearings were attended by many people, especially those with environmental interests. Although the environmentalists were well represented in the public

comment periods, the EIS treats lightly the Conservationists' Alternative because it does not fulfill the purpose of public safety outlined by UDOT. Many writers state that early involvement of interest groups is the most effective way of managing later disputes (Blahna and Yonts-Shepard 1990, Howell et al. 1987, Blahna 1996).

The second reason mediation would be ineffective and hard to implement in this case is because UDOT is unwilling to become involved with mediation. At this time, UDOT has made the decision that road construction in the upper canyon is important and will be done. After such a decision has been made, it would be very difficult for UDOT to voluntarily retreat and reconsider whether construction is needed. UDOT is now working on securing funding for the project and to reverse their plans now could be detrimental to their agency credibility. After wading through the controversy to get to the current decision, UDOT will not likely want to become embroiled in the controversy again. In order to have a mediation process which has a high chance of being successfully implemented, the decision maker needs to be involved in the process. Gail Bingham, a mediation practitioner, writes that of negotiations performed concerning an action by a public agency, negotiations which did not directly include the public agency had three times as many problems during implementation (Bingham 1986).

Mediation might also be hard to implement with the current budget restrictions facing the parties. Some professional mediators charge as much as attorneys and their services would have to be paid for by either the parties involved or the decision maker. Most often the funding for mediation comes from private grants, the lead agency, or a combined effort among the parties with a major portion being contributed by the decision maker (De Morgan 1996). Without the support of the decision maker, most other parties would rather spend their funds on attorney fees than invest in mediation.

A form of negotiation is already in place and seems to be effectively meeting the needs of UDOT. This is another reason UDOT does not seem willing to consider a mediation process. The CAT team is currently having open discussion about the projects and each member feels they are effectively meeting goals to establish acceptable solutions for the interested parties. UDOT believes in the CAT team and feels that its members represent the public's and various agencies' needs. As long as UDOT believes they are accomplishing

their needs through an already established process, they are unlikely to get involved or to listen to an alternative group developed through mediation.

Although mediation does not seem to be a viable solution to this dispute, I believe that there are still opportunities for UDOT to open up the decision making process and allow more active citizen involvement. If UDOT included LCC in the CAT team's discussions, it would give them a sense of involvement. Also, UDOT should give more information to the communities of Garden City and Cache County and allow more open forums to discuss the potential impacts. By applying more citizen input and involvement in the Logan Canyon controversy, UDOT may be able to dissolve the mistrust which has developed in the communities effected by this controversy.

However, in order to overcome a history of mistrust, UDOT must be willing to be truly responsive to public concerns. If they try to involve people through a public relations effort but then ignore their advice, they risk incurring even greater resentment. Many people believe that UDOT is hiding behind the administrative process in order to protect 'dodgy' scientific data and to avoid other data that could call their plan into question. If this is the case, I feel that the communities of Cache County and Garden City are in for a whirlwind of lawsuits and appeals over the Logan Canyon Highway.

It seems to me that the current controversy over Logan Canyon could have been avoided if UDOT had implemented better public involvement and a more collaborative approach early in the process. At the present, when scarcity of natural resources is reaching unsurpassed levels, it is essential that agencies who manage natural resources work with the public. No longer is an agency free to do as it likes, it must respond to public interests. I think that as controversy increases, budgets become more limited, and UDOT realizes that lawsuits may hold up the projects, the State of Utah will ask UDOT to postpone construction up Logan Canyon until after the 2002 Olympics so that they can focus their budget on improving Interstate 15.

I believe the refocusing of attention on Interstate 15 for the 2002 Olympics would allow environmental groups more time to raise awareness and funding. After the 2002 Olympics in Utah, UDOT may again try to proceed with the current Logan Canyon project. I hope that the environmental community can unite and speak-out loud enough to cause UDOT

to back down and reconsider projects with less development and more consideration for environmental interests. This is my hope and prayer.

The controversy which is centered around Logan Canyon demonstrates all of the unique qualities environmental mediators must deal with regularly. It involves various different parties, the parties have evolved and developed as tensions over specific projects increased, and this issue deals with public land that is owned by everyone. Also, the data, facts, and projections concerning the impacts of these projects have been hard to determine and hotly debated. NEPA, the Federal Land Planning and Management Act, and the Clean Water Act have largely determined how Forest Service and UDOT decisions would be made concerning the Logan Canyon project. Using the Logan Canyon controversy has been extremely beneficial to me as I search for a greater understanding of the dynamics of environmental conflicts and dispute resolution and the use of environmental mediation to manage those disputes.

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